UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

Bryana Bible, individually and on behalf of the proposed classes,

Plaintiff,

v.

United Student Aid Funds, Inc.,

Defendant.

Case No. 1:13-cv-00575-TWP-TAB

PRELIMINARY APPROVAL ORDER

Based on the Parties' Joint Motion for Preliminary Approval of the Proposed Class Action Settlement and good cause shown therein, IT IS HEREBY ORDERED:

1. Preliminary Approval of Proposed Settlement. The Settlement Agreement ("Agreement"), including all exhibits thereto, is preliminarily approved as fair, reasonable, and adequate and within the range of reasonableness for preliminary settlement approval. The Court finds that: (a) the Agreement resulted from extensive arm's length negotiations between experienced counsel; and (b) the Agreement is sufficient to warrant notice of the settlement to persons in the Settlement Class and a full hearing on the approval of the settlement.

2. Class Certification for Settlement Purposes Only. Pursuant to Federal Rule of Civil Procedure 23(c), the Court conditionally certifies, for settlement purposes only, the following Settlement Class:

- All persons who entered into a loan agreement that is silent on or allows collection costs only to the extent allowed under the Higher Education Act; and
- Who subsequently, within 60 days after the claim purchase date for the defaulted loan, entered into an agreement substantially the same as the Rehabilitation Agreement agreed to by Plaintiff; and

- Who completed rehabilitation by making at least nine of the ten scheduled payments during the agreed upon period of ten consecutive months; and
- On whom Defendant subsequently imposed collection costs at any time from April 8, 2007 to July 31, 2015.

In connection with this conditional certification, the Court makes the following preliminary findings for settlement purposes only:

(a) The Settlement Class appears to be so numerous that joinder of all members is impracticable;

(b) There appear to be questions of law or fact common to the Settlement Class for purposes of determining whether this settlement should be approved;

(c) Named Plaintiff's claims appear to be typical of the claims being resolved through the proposed settlement;

(d) Named Plaintiff and her counsel appear to be capable of fairly and adequately protecting the interests of the Settlement Class Members in connection with the proposed settlement;

(e) Common questions of law and fact appear to predominate over questions affecting only individual persons in the Settlement Class. Accordingly, the Settlement Class appears to be sufficiently cohesive to warrant settlement by representation; and

(f) Certification of the Settlement Class appears to be superior to other available methods for the fair and efficient resolution of the claims of the Settlement Class.

3. Class Counsel. Nichols Kaster, PLLP, Berger & Montague, P.C., and National Consumer Law Center are hereby APPOINTED as Class Counsel.

4. Class Representative. Plaintiff Bryana Bible is hereby APPOINTED Class Representative.

5. Class Notice. The class notices are APPROVED for distribution in accordance with the schedule included in the Settlement Agreement.

6. Opt-Outs and Objections. Settlement Class Members shall have the right to either opt out or object to this Settlement pursuant to the procedures and schedule included in the Settlement Agreement.

7. Final Approval Hearing. A Final Approval Hearing is set for June 7, 2017 at 2:00 p.m. in Courtroom 344, Birch Bayh Federal Building and United States Courthouse, Indianapolis, Indiana.

SO ORDERED.

Date: 1/30/2017

Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Copies to all registered counsel of record via CM/ECF.